IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 170 (MS) OF 2006

Dinesh Mohan Singh,
S/o Sri Ramesh Chandra Pal,
R/o D-257/1, Subhash Nagar,
Roorkee, District-Haridwar. .....Petitioner.

Versus

1. Vice Chancellor, G.B. Pant University of Agriculture and Technology, Pant Nagar, District-Udham Singh Nagar.
2. Registrar, G.B. Pant University of Agriculture and Technology, Pant Nagar, District Udham Singh Nagar.

.....Respondents.

Dated: 15.05.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Manoj Tiwari, Advocate for the petitioner and Sri Rajendra Dobhal, Advocate for the respondents.

By the present writ petition, the petitioner has prayed for a writ of mandamus directing the respondent no. 1 to give re-admission to the petitioner in B.V.Sc. & A.H. Course in the University. The petitioner has confined his prayer for disposal of the representation (Annexure No. 7 to the writ petition).

Briefly stated, the petitioner appeared in All India Selection for admission to Bachelor of Veterinary Science and Animal Husbandry Course in G.B. Pant University of Agriculture and Technology, Pant Nagar, District Udham Singh Nagar. The entrance test was held in the month of April/May, 2003 at various examination centers, in which the petitioner was selected for admission in B.V.Sc. & A.H. Course in

the University securing 4th rank and he was called for counseling vide order dated 28.06.2003. By virtue of his ranking in the merit list, petitioner was given admission against a free seat in the academic session 2003-04.

The grievance of the petitioner is that his mother was ill and therefore, he could not study with full concentration and he did not clear some of the papers and he was readmitted in the said course but his annual examination was not up to the mark due to certain factors and therefore, he was dropped.

Petitioner has filed a supplementary affidavit, where he has stated as under:-

"4. That as could be seen from the Academic Regulations, petitioner can be dropped from the University if he fails in the annual/board examination as well as compartment examination for two consecutive academic years. The petitioner, if given opportunity to appear in the compartment examination, could have easily passed in the papers in which he was declared unsuccessful, as he would have prepare only two papers instead of all six. The intention of the Regulation is clear that candidates, who are unable to pass even in compartment examination could be dropped from the University."

The petitioner has made a representation (Annexure 7 to the writ petition) in this regard before the authority concerned, but the same has not yet been disposed of.

In view of the above, the respondents are directed to dispose of the representation of the petitioner in accordance with law as well as in the view of the facts stated above within a period of two weeks from the date of presentation of the certified copy of the order.

Subject to the aforesaid, writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

15.05.2006
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